

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Philippe ROUANET et al.

Title: Percutaneous Composition
Comprising 4-Hydroxy Tamoxifen

Appl. No.: 10/734,638

Filing Date: 12/15/2003

Examiner: Deirdre Renee Claytor

Art Unit: 1617

Confirmation Number: 9056

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Laboratoires Besins International SA, having its principal place of business at 13, rue Perier, Montrouge, 92120, France, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/734,638, filed 12/15/2003, by virtue of an Assignment filed and recorded on 01/17/2006, on Reel/Frame 017199/0967, in the United States Patent and Trademark Office, a copy of the Abstract of Title of which is attached hereto as APPENDIX A.

Further, your Petitioner represents that it is the owner of U.S. Patent Application No. 10/734,644, filed 12/15/2003, by virtue of an Assignment filed and recorded on 07/18/2007, on Reel/Frame 019569/0293, in the United States Patent and Trademark Office, a copy of the Abstract of Title of which is attached hereto as APPENDIX B.

Further, your Petitioner represents that it is the owner of U.S. Patent Application No. 10/805,528, filed 03/22/2004, and now U.S. Patent No. 7,507,769, issued 03/24/2009, by virtue of an Assignment filed and recorded on 03/29/2005, on Reel/Frame 016406/0665, in the United States Patent and Trademark Office, a copy of the Abstract of Title of which is attached hereto as APPENDIX C.

Further, your Petitioner represents that it is the owner of U.S. Patent Application No. 10/734,640, filed 12/15/2003, by virtue of an Assignment filed and recorded on 01/03/2005, on Reel/Frame 016118/0325, in the United States Patent and Trademark Office, a copy of the Abstract of Title of which is attached hereto as APPENDIX D.

Your Petitioner, Laboratoires Besins International SA, hereby disclaims the terminal part of the term of any patent granted on U.S. Patent Application 10/734,638, which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent No. 7,507,769, or of any patent granted on U.S. Patent Application 10/734,644, or U.S. Patent Application 10/734,640, and hereby agrees that any patent so granted on U.S. Patent Application 10/734,638 shall be enforceable only for and during such period that the legal title to U.S. Patent No. 7,507,769, and any patent granted on U.S. Patent Application 10/734,644 or U.S. Patent Application 10/734,640, shall be the same as the legal title to any patent granted on U.S. Patent Application 10/734,638, this agreement to run with any patent granted on U.S. Patent Application 10/734,638 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on U.S. Patent Application 10/734,638, prior to the full statutory term of U.S. Patent No. 7,507,769, or of any patent granted on U.S. Patent Application 10/734,644, or U.S. Patent Application 10/734,640, as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent number 7,507,769 or any patent granted on U.S. Patent Application 10/734,644 or U.S. Patent Application 10/734,640 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an

interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to its full statutory term as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on U.S. Patent Application 10/734,638 that would extend beyond the present termination of U.S. Patent No. 7,507,769 or of any patent granted on U.S. Patent Application 10/734,644 or U.S. Patent Application 10/734,640 in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on U.S. Patent Application 10/734,638 to the extent provided by law including but not limited to 35 U.S.C. §§155, 155A or 156.

The undersigned, being the Attorney of Record for U.S. Patent Application 10/734,638, and duly authorized to act on behalf of Petitioner, certifies that she has reviewed the Assignment Abstract of Titles attached as APPENDICES A, B, C and D, and to the best of her knowledge and belief, legal title to U.S. Patent Application 10/734,638 (U.S. Patent No. 7,507,769), U.S. Patent Application 10/734,644, and U.S. Patent Application 10/734,640 rests with Petitioners, Laboratoires Besins International SA. The undersigned declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date July 1, 2009

By Courtenay C Brinckerhoff

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Courtenay C. Brinckerhoff
Attorney for Applicant
Registration No. 37,288

APPENDIX A

10/734,638 PERCUTANEOUS COMPOSITION COMPRISING 4-HYDROXY TAMOXIFEN 05-27-
2009::16:07:02

Patent Assignment Abstract of Title

Total Assignments: 1
Application #: 10734638

Filing Dt: 12/15/2003

Patent #: NONE

Issue Dt:
PCT #: NONE

Publication #: US20050031695

Pub Dt: 02/10/2005

Inventors: Philippe Rouanet, Dominique Salin Drouin, Jacques Wepierre

Title: PERCUTANEOUS COMPOSITION COMPRISING 4-HYDROXY TAMOXIFEN

Assignment: 1
Reel/Frame: 017199 / 0967

Received: 01/17/2006

Recorded: 01/17/2006

Mailed: 02/22/2006

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: ROUANET, PHILIPPE

Exec Dt: 12/28/2005

DROUIN, DOMINIQUE SALIN

Exec Dt: 12/07/2005

WEPIERRE, JACQUES

Exec Dt: 11/13/2005

Assignee: LABORATOIRES BESINS INTERNATIONAL SA

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APPENDIX B

10/734,644

REDUCTION OF BREAST DENSITY WITH 4-HYDROXY TAMOXIFEN

05-27-

2009::15:58:46

Patent Assignment Abstract of Title**Total Assignments: 1**

Application #: 10734644

Filing Dt: 12/15/2003

Patent #: 7485623

Issue Dt: 02/03/2009

PCT #: NONE

Publication #: US20040138314

Pub Dt: 07/15/2004

Inventor: Jay Bua

Title: REDUCTION OF BREAST DENSITY WITH 4-HYDROXY TAMOXIFEN

Assignment: 1

Reel/Frame: 019569 / 0293

Received: 07/18/2007

Recorded: 07/18/2007

Mailed: 07/18/2007

Pages: 5

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: BUA, JAY

Exec Dt: 07/02/2007

Assignee: LABORATOIRES BESINS INTERNATIONAL SA

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PARIS, FRANCE 75003

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APPENDIX C

10/805,528 TREATMENT AND PREVENTION OF BENIGN BREAST DISEASE WITH 4-HYDROXY TAMOXIFEN 4- 05-27-
2009::16:02:47

Patent Assignment Abstract of Title

Total Assignments: 2
Application #: 10805528

Filing Dt: 03/22/2004

Patent #: 7507769

Issue Dt: 03/24/2009

PCT #: NONE

Inventor: Elisabeth Le Nestour

Publication #: US20050209340

Pub Dt: 09/22/2005

Title: TREATMENT AND PREVENTION OF BENIGN BREAST DISEASE WITH 4-HYDROXY TAMOXIFEN

Assignment: 1
Reel/Frame: 016406 / 0665

Received: 04/04/2005

Recorded: 03/29/2005

Mailed: 08/16/2005

Pages: 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: LE NESTOUR, ELISABETH

Exec Dt: 11/04/2004

Assignee: LABORATOIRES BESINS INTERNATIONAL SA
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92120 MONTROUGE, FRANCE

Correspondent: STEPHEN A. BENT

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Assignment: 2
Reel/Frame: 016866 / 0625

Received: 10/11/2005

Recorded: 10/11/2005

Mailed: 12/08/2005

Pages: 4

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT ASSIGNEE'S NAME PREVIOUSLY RECORDED ON REEL/FRAME 016406/0665

Assignor: LE NESTOUR, ELISABETH

Exec Dt: 11/04/2004

Assignee: LABORATOIRES BESINS INTERNATIONAL SA
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APPENDIX D

10/734,640

Treatment of mastalgia with 4-hydroxy tamoxifen

05-27-

2009::16:04:39

Patent Assignment Abstract of Title**Total Assignments: 1**

Application #: 10734640

Filing Dt: 12/15/2003

Patent #: NONE

Issue Dt:

PCT #: NONE

Publication #: US20050032909

Pub Dt: 02/10/2005

Inventors: Bruno de Lignieres, Gabrielle Elisabeth Brink de Lignieres

Title: Treatment of mastalgia with 4-hydroxy tamoxifen

Assignment: 1

Reel/Frame: 016118 / 0325

Received: 01/06/2005

Recorded: 01/03/2005

Mailed: 06/10/2005

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: DE LIGNIERES, GABRIELLE ELISABETH BRINK LEGAL REPRESENTATIVE FOR BRUNO DE
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Exec Dt: 11/23/2004

Assignee: LABORATORIES BESINS INTERNATIONAL
SA, 13, RUE PERIER
92120, MONTROUGE, FRANCE

Correspondent: STEPHEN A. BENT

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